

1 ROSE F. LUZON (SBN 221544)  
2 SHEPHERD, FINKELMAN, MILLER &  
3 SHAH, LLP  
4 401 West A Street, Suite 2350  
5 San Diego, CA 92101  
6 Telephone: (619) 235-2416  
7 Facsimile: (619) 234-7334  
8 Email: [rruzon@sfmslaw.com](mailto:rruzon@sfmslaw.com)  
9 (Additional Counsel Appear On Signature Page)

10 Attorneys for Plaintiff, Matthew Johnson,  
11 Individually And On Behalf Of All Others Similarly  
12 Situated

13 TROY A. VALDEZ, California State Bar No. 191478  
14 VALDEZ NOOR TODD & DOYLE LLP  
15 116 New Montgomery Street, Suite 210  
16 San Francisco, CA 94105  
17 Telephone: (415) 202.5950  
18 Facsimile: (415) 202.5951  
19 Email: [tvaldez@vsnlaw.com](mailto:tvaldez@vsnlaw.com)

20 FRED W. ALVAREZ, California State Bar No. 068115  
21 JENNIFER M. MARTINEZ, State Bar No. 262081  
22 WILSON SONSINI GOODRICH & ROSATI  
23 Professional Corporation  
24 650 Page Mill Road  
25 Palo Alto, CA 94304-1050  
Telephone: (650) 493.9300  
Facsimile: (650) 565-5100  
Email: [falvarez@wsgr.com](mailto:falvarez@wsgr.com)

26 Attorneys For Defendants  
27 COMCAST OF CALIFORNIA/COLOARDO/WASHINGTON I, INC.

28  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

29  
30 MATTHEW JOHNSON, On Behalf Of Himself  
31 And All Others Similarly Situated,

32 Plaintiff,

33 vs.

34 COMCAST OF CALIFORNIA/  
35 COLORADO/WASHINGTON I, INC.

36 Defendant.

37 CIVIL ACTION NO. 3:10-CV-04147 JSW

38  
39 JOINT STATUS UPDATE OF RELATED  
40 STATE COURT LITIGATION

41 Courtroom: 11 – 19<sup>th</sup> Floor  
42 Judge: Jeffrey S. White

1 Pursuant to this Court's January 6, 2011 Order granting Defendant Comcast of  
 2 California/Colorado/Washington I, Inc.'s ("Comcast" or "Defendant") Motion to Stay, Plaintiff  
 3 Matthew Johnson ("Plaintiff") and Comcast hereby submit the following Joint Status Update Regarding  
 4 the Related State Court Litigation, which is based upon the representations of Defendant regarding the  
 5 state court proceedings.

6 **STATUS OF STATE COURT LITIGATION**

7 The matter of *Fayerweather v. Comcast Corporation and Comcast of Contra Costa, Inc.*,  
 8 currently pending in the Superior Court of California in and for Contra Costa County as Case  
 9 No. C-08-01470, continues to move towards trial. The opt-out period for the class ended on June  
 10 27, 2011. At the last case management conference on November 17, 2011, the *Fayerweather*  
 11 Court issued an order to show cause why decertification should not be granted (the "Order to  
 12 Show Cause"). The briefing schedule on the Order to Show Cause was triggered by the April  
 13 12, 2012 publication of the California Supreme Court's opinion in the seminal case, *Brinker*  
 14 *Restaurant Corp. v. Superior Court*.

15 The parties completed briefing on the Order to Show Cause as of September 17, 2012.  
 16 A hearing on the Order to Show Cause is currently scheduled for October 26, 2012. Should  
 17 Comcast prevail on the Order to Show Cause, the *Fayerweather* Court will decertify the case.

18 No trial date has been set in the matter.

19  
 20  
 21  
 22 Dated: October 17, 2012

SHEPHERD, FINKELMAN, MILLER &  
 SHAH, LLP

23  
 24 /s/  
 ROSE F. LUZON (SBN 221544)  
 25 SHEPHERD, FINKELMAN, MILLER &  
 SHAH, LLP  
 26 401 West A Street, Suite 2350  
 San Diego, CA 92101  
 Telephone: (619) 235-2416  
 27 Facsimile: (619) 234-7334  
 Email: [rluzon@sfmslaw.com](mailto:rluzon@sfmslaw.com)

John F. Edgar  
EDGAR LAW FIRM LLC  
1032 Pennsylvania Ave.  
Kansas City, MO 64105  
Telephone: (816) 531-0033  
Facsimile: (816) 531-3322  
[jfe@edgarlawfirm.com](mailto:jfe@edgarlawfirm.com)

James E. Miller (SBN 262553)  
Karen M. Leser-Grenon (SBN 231189)  
SHEPHERD, FINKELMAN, MILLER &  
SHAH, LLP  
65 Main Street  
Chester, CT 06412  
Telephone: (860) 526-1100  
Facsimile: (860) 526-1120  
[jmiller@sfmslaw.com](mailto:jmiller@sfmslaw.com)  
[kleser@sfmslaw.com](mailto:kleser@sfmslaw.com)

James C. Shah (SBN 260435)  
SHEPHERD, FINKELMAN, MILLER &  
SHAH, LLP  
35 East State Street  
Media, PA 19063  
Telephone: (610) 891-9880  
Facsimile: (610) 891-9883  
[jshah@sfmslaw.com](mailto:jshah@sfmslaw.com)

Attorneys for Plaintiff, Matthew Johnson  
VALDEZ NOOR TODD & DOYLE LLP

/s/  
TROY A. VALDEZ, State Bar No. 191478  
VALDEZ NOOR TODD & DOYLE LLP  
116 New Montgomery Street, Suite 210  
San Francisco, CA 94105  
Telephone: (415) 202-5950  
Facsimile: (415) 202-5951  
Email: [tvaldez@ysnlaw.com](mailto:tvaldez@ysnlaw.com)

FRED W. ALVAREZ, State Bar No. 068115  
JENNIFER M. MARTINEZ, State Bar No. 262081  
WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
Telephone: (650) 493-9300  
Facsimile: (650) 565-5100  
Email: [falvarez@wsgr.com](mailto:falvarez@wsgr.com)

Attorneys for Defendant  
Comcast of California/Colorado/  
Washington I, Inc.

**ATTESTATION PURSUANT TO LOCAL RULE**

I, Jennifer M. Martinez, am the ECF User whose identification and password are being used to file the Joint Status Update of Related State Court Litigation. In compliance with local rule, I hereby attest that each of the signatories above has concurred in this filing.

Dated: October 17, 2012

**WILSON SONSINI GOODRICH & ROSATI**  
Professional Corporation

By: /s/  
Jennifer M. Martinez  
jmartinez@wsgr.com

Attorneys for Defendant  
Comcast of California/Colorado/Washington  
I, Inc.